

# Exhibit 18

Deposition Excerpt of Sean DeNeale  
February 7, 2017

1     STATE OF NORTH CAROLINA   )   IN THE GENERAL COURT OF JUSTICE  
   )       SUPERIOR COURT DIVISION  
 2     MECKLENBURG COUNTY         )               13-CVS-11032  
 3     STATE OF NORTH CAROLINA ex rel.   )  
    NORTH CAROLINA DEPARTMENT OF       )  
 4     ENVIRONMENTAL QUALITY,            )  
   )       DEPOSITION OF  
 5         Plaintiff,                    )  
   )   SEAN MICHAEL DeNEALE  
 6         vs.                            )       Volume III  
   )  
 7     SIERRA CLUB WATERKEEPER ALLIANCE,   )   February 7, 2017  
    SOUND RIVERS, WINYAH RIVERS         )       9:07 A.M.  
 8     FOUNDATION, ROANOKE RIVER BASIN     )       Charlotte, NC  
    ASSOCIATION, and CAPE FEAR RIVER    )  
 9     WATCH, INC.,                     )  
        Plaintiff-Intervenor,            )  
 10                                        )  
        vs.                            )  
 11                                        )  
    DUKE ENERGY PROGRESS, LLC.,        )  
 12         Defendant.                    )  
   )  
 13     \_\_\_\_\_

14     STATE OF NORTH CAROLINA   )   IN THE GENERAL COURT OF JUSTICE  
   )       SUPERIOR COURT DIVISION  
 15     MECKLENBURG COUNTY         )               13-CVS-14661  
   )  
 16     STATE OF NORTH CAROLINA ex rel.   )  
    NORTH CAROLINA DEPARTMENT OF       )  
 17     ENVIRONMENT AND NATURAL RESOURCES,   )  
        Plaintiff,                     )  
   )  
 18         vs.                            )  
   )  
 19     CATAWBA RIVERKEEPER FOUNDATION     )  
    INC., APPALACHIAN VOICES, YADKIN    )  
 20     RIVERKEEPER, MOUNTAINTRUE, DAN     )  
    RIVER BASIN ASSOCIATION, ROANOKE    )  
 21     RIVER BASIN ASSOCIATION, SOUTHERN   )  
    ALLIANCE FOR CLEAN ENERGY, and     )  
 22     WATERKEEPER ALLIANCE,            )  
        Plaintiff-Intervenor,            )  
 23                                        )  
        vs.                            )  
 24                                        )  
    DUKE ENERGY CAROLINAS, LLC,        )  
 25         Defendant.                    )  
   )

A P P E A R A N C E S

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\* \* \* \* \*

TABLE OF CONTENTS

|             | By          | Pages     |
|-------------|-------------|-----------|
| Examination | Mr. Gerken  | 6 - 109   |
| Examination | Mr. Benzoni | 109 - 123 |
| Examination | Ms. Blake   | 123 - 198 |
| Examination | Mr. Torrey  | 198 - 235 |

## E X H I B I T S

| Intervenor | Description   | Page      |
|------------|---|-----------|
| Number     | Description   | Reference |
| 1          | Notice of Deposition  | 7         |
| 2          | E-Mail Thread Re: Rule 30 (b)(6)  | 7         |
|            | Deposition of Duke Energy   |           |
| 3          | Spreadsheet of Updated Groundwater Data Submitted by Duke Energy to DEQ with the CSA supplement   | 51        |
| 4          | Charlotte Observer Article entitled, Critics Challenge Duke Energy Claims that Coal Ash Risk is Low, Dated 4/22/16                              | 67        |
| 5          | Appendix B Groundwater Flow and Transport Model   | 77        |
| 6          | Spreadsheet of updated groundwater data for Cliffside Steam Station   | 88        |
| 7          | Site Location Map Belews Creek Steam Station Ash Basin Dated 8/2016   | 127       |
| 8          | Excel spreadsheet of monthly submittals that have been provided to NC DEQ for Belews Creek  | 144       |
| 9          | Excel spreadsheet of certain sampling results from November 2016 for Belews Creek   | 145       |
| 10         | Technical Memorandum to Kim Witt and Melonie Martin from Jacob Ruffing Dated 12/12/16 Re: Additional Background Monitoring Well Determinations. | 148       |
| 11         | Sample Location Map Belews Creek Steam Station Dated 8/2016   | 169       |

|    |     |   |     |
|----|-----|---|-----|
| 1  | 12  | Environmental Monitoring Reporting Form | 172 |
| 2  | 13  | Letter to NC DEQ from Melonie Martin    | 182 |
| 3  |     | Dated 12/21/16 Re: Belews Creek         |     |
| 4  |     | Interim Action Plan Basis of Design     |     |
| 5  |     | Report                                  |     |
| 6  | 14  | Letter to Ed Sullivan from S. Jay       | 189 |
| 7  |     | Zimmerman Dated 2/1/17 Re: Basis of     |     |
|    |     | Design Report Comments Belews Creek     |     |
| 8  | 15  | SynTerra Comprehensive Site             | 199 |
| 9  |     | Assessment Supplement 1 Report          |     |
|    |     | Date 8/1/16                             |     |
| 10 | 16  | Appendix A Comprehensive Groundwater    | 199 |
| 11 |     | Analytical Results Roxboro Steam        |     |
|    |     | Electric Plant Date                     |     |
| 12 | 17  | Spreadsheet Roxboro Steam Electric      | 220 |
| 13 |     | Plant Date Updated 11/10/16             |     |
| 14 | 18  | Spreadsheet Roxboro Steam Electric      | 220 |
|    |     | Plant Date Updated 1/12/17              |     |
| 15 | 19  | SynTerra Technical Memorandum           | 225 |
| 16 |     | To Kim Witt from Craig Eady Dated       |     |
|    |     | 12/15/16                                |     |
| 17 | 22  | Conceptual Model (previously admitted)  | 58  |
| 18 | 454 | CAP II Figures (previously admitted)    | 137 |
| 19 | 806 | CSA Supplement (previously admitted)    | 168 |
| 20 | 924 | Report that Accompanied Figures with    | 82  |
| 21 |     | Exhibit Number 925 (previously          |     |
| 22 |     | admitted)                               |     |
| 23 | 925 | Draft Revised Expanded Model Allen      | 82  |
|    |     | Steam Station. (previously admitted)    |     |
| 24 | 936 | Revised Groundwater Model for Belews    | 163 |
| 25 |     | Steam Station (previously admitted)     |     |

1           938       Revised Groundwater Flow and Transport   125  
2                    Model. (previously admitted)

3  
4                           \* \* \* \* \*

5  
6                        This is the transcript of the deposition  
7       of SEAN MICHAEL DeNEALE, Volume III, being taken by Notice  
8       issued by counsel for the Plaintiff/Intervenor, by consent  
9       of counsel for the parties and in accordance with the North  
10      Carolina Rules of Civil Procedure before Rebekah Gervin  
11      Creel, Nationally Certified Verbatim Reporter and Notary  
12      Public, in the offices of Hunton & Williams, LLP, 101 South  
13      Tryon Street, Suite 3500, Charlotte, North Carolina, on the  
14      7th of February, 2017, beginning at 9:15 A.M.

15  
16                       IT IS FURTHER STIPULATED AND AGREED by  
17      and between counsel for the parties that the review and  
18      signing of this transcript by the witness is hereby  
19      reserved.

20                           \* \* \* \* \*

1 SEAN MICHAEL DeNEALE, having provided a government  
2 identification was duly sworn and testified as  
3 follows:

4 EXAMINATION BY MR. GERKEN:

5 Q. Good morning, Mr. DeNeale.

6 A. Good morning.

7 Q. Thank you for your time today. I know you have been  
8 deposed before in this case, so I'll skip some of  
9 the preliminaries. I know you know the drill at  
10 this point. Just to reintroduce myself, I'm D.J.  
11 Gerken. I'm counsel for the Intervenors in this  
12 litigation.

13 And to talk a little bit about the order of  
14 questioning today. I'm going to talk to you,  
15 principally, about Allen, Marshall, and Cliffside,  
16 and groundwater issues related to them. My  
17 colleague Myra Blake will ask questions about  
18 Belews. And later today my colleague, Nick Torrey  
19 will have questions about Mayo and Roxboro.

20 A. Okay.

21 Q. And then counsel for the State is here and may have  
22 questions for you as well. I'd like to start just  
23 by handing you two exhibits we're going to premark  
24 as Number 1 and 2. Mr. DeNeale, you understand  
25 you're here today because you have been identified

1 by Duke Energy as a designated witness pursuant to a  
2 Rule 30(b)(6) deposition?

3 (WHEREUPON, DeNeale Exhibit Numbers 1 and 2  
4 were presented for identification.)

5 A. I do understand that.

6 Q. Okay. Do you recognize Exhibit Number 1 I've handed  
7 you here?

8 A. I have not reviewed this, no.

9 Q. Okay. Well, this is the subpoena we sent to Duke  
10 Energy asking Duke to identify appropriate witnesses  
11 to speak and have. If you turn to page 3, a series  
12 of topics for examination --

13 A. Okay.

14 Q. -- and if you can look to Exhibit Number 2, you are  
15 not copied on this e-mail, but have you seen it  
16 before?

17 A. This is not familiar to me either.

18 Q. Okay. Well, I can represent to you that this is the  
19 e-mail sent to us by counsel for Duke Energy  
20 identifying you as the appropriate witness for  
21 certain of these topics we identified for  
22 examination. So I just want to talk to you about  
23 those topics, briefly, and make sure you're ready to  
24 speak to them.

25 A. Sure.



1 purposes, but the bulk of my questions are going to  
2 focus on Belews Creek.

3 A. Okay.

4 Q. Does that sound okay? All right. And I'll start  
5 with some kind of basic questions. Does the  
6 groundwater flow through the ash basin at Belews  
7 Creek?

8 A. Groundwater flow from upgradient directions flows  
9 towards the basin and appears to have interaction  
10 with the basin system at Belews Creek, yes.

11 Q. And does it flow out of the basin to the north of  
12 the Belews Creek basin?

13 A. Generally, groundwater flow at Belews Creek is to  
14 the north toward to the Dan River from the ash basin  
15 system, yes.

16 Q. And does it discharge into Little Belews Creek?

17 A. I believe some of the groundwater does discharge  
18 into Little Belews Creek before reaching the Dan  
19 River, yes.

20 Q. And so it discharges directly into the Dan River?

21 A. May be the case or other drainages that aren't  
22 Little Belews Creek.

23 Q. Okay. And does it also flow out of the basin to the  
24 northwest as well?

25 A. There is a component of flow on the northwestern

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

CERTIFICATION IN LIEU OF  
SIGNATURE PAGE

I, Rebekah Gervin Creel, Nationally Certified Verbatim Court Reporter and Notary Public in and for The County of Mecklenburg, State of North Carolina, do hereby Certify that on February 7, 2017 the deposition of Sean Michael DeNeale (Vol III) was taken by me and that the requirement that the deposition be signed was not waived;

Therefore, thirty days having elapsed since the date of notification to the witness through counsel, this certification is attached to the transcript in lieu of signature by the witness.

Witness my hand this 2<sup>nd</sup> day of May, 2017

A handwritten signature in cursive script, reading "Rebekah Gervin Creel".

---

Rebekah Gervin Creel, N.P.  
Notary Public No.: 19942760095